

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10615 of 1996

K L BHATT

Versus

COMPETENT OFFICER AND DEPUTY COLLECTOR

Appearance:

MR DD VYAS for Petitioner

MR SJ DAVE, AGP for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/08/1999

ORAL JUDGEMENT

1. The petitioner herein challenges the judgement and order passed by the Urban Land Ceiling Tribunal in an appeal under section 33 of the Urban Land (Ceiling and Regulation) Act, 1976, confirming the order of the Competent Authority in respect of the Statement under section 8(4) of the said Act.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed of accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No.ULC/1099-602/V1 dated 15th April 1999.

6. It may be observed from the record of the present proceedings that under the impugned order of the

Competent Authority, proceedings had been taken only upto the stage of section 8(4) of the Act of 1976. The appeal under section 33 was decided only on 18th September 1996, and this court by order dated 28th January 1997 had granted ad interim relief whereby the operation, implementation and execution of the impugned orders were stayed. It would, therefore, appear from this record that the petitioner is in possession of the land in question. It is clarified that these are mere observations based upon the state of the record of the present petition and are not to be interpreted as findings of fact recorded upon any factual controversy between the parties.

7. Rule is accordingly discharged with no order as to costs. Interim relief if any stands vacated.

18.08.1999 (Y.B. BHATT J.)